

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

VENIAMIN VULPE,
Plaintiffs,
v.
SOUTHEASTERN PENNSYLVANIA
TRANSPORTATION AUTHORITY,
Defendant.

CIVIL ACTION
NO. 20-4709

ORDER

AND NOW, this 13th day of April, 2021, upon consideration of Defendant Southeastern Pennsylvania Transportation Authority's Motion to Dismiss (ECF 5), Plaintiff Veniamin Vulpe's Response (ECF 10), Defendant's Reply (ECF 11) and Plaintiff's Sur-Reply (ECF 14), and consistent with the accompanying Memorandum of Law it is **ORDERED** that Defendant's Motion is **GRANTED** as follows:

1. Count II of Vulpe's Complaint, his Section 1983 claim, is **DISMISSED** with prejudice; and
2. Count I, Vulpe's negligence claim, is **REMANDED** forthwith to the Court of Common Pleas of Philadelphia County for further proceedings.

The Clerk of Court shall take all necessary actions to effect the remand and thereafter shall mark this case as closed.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.